

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA)	
)	
v.)	1:06CR171-3
)	
NANYA SHAABU EL)	
also known as SEAN WESLEY HENRY)	

O R D E R

This matter comes before the Court sua sponte. Defendant Nanya Shaabu El has submitted a financial affidavit to the Court. Previously, defendant refused to fill out a financial affidavit. Nevertheless, the Court appointed Robert McClellan as standby counsel to be prepared to take over the presentation of this case in the event that defendant was not allowed to proceed with his self-representation.

In the financial affidavit submitted, defendant claims that he has property worth \$2 billion consisting of 173 rental units in Macon, Georgia. Defendant fails to identify these units further and it will be ordered that defendant provide further identification to the Court. Defendant also claims to have a residence in Ellenwood, Georgia, valued at \$350,000. Defendant shall identify this residence so its value may be determined. Defendant was forewarned at previous appearances before the undersigned that providing false information to the Court could adversely affect his sentence.

It appears that the defendant has provided false information to the Court in this financial affidavit with respect to his

financial assets. The likely reason for providing such false information may be derived from the fact that defendant expressed to the Court his displeasure that the Court had appointed standby counsel. Defendant may believe that by submitting a financial affidavit whereby he would not qualify for court appointed counsel, that the Court would not appoint standby counsel or relieve counsel from such appointment. However, the Court finds that the financial affidavit merely reaffirms the Court's suspicion that defendant may not be a suitable candidate to represent himself and, therefore, the need for standby counsel may be that much more imperative. Therefore, it will be necessary to determine the correctness of defendant's financial affidavit.

IT IS THEREFORE ORDERED that Robert L. McClellan shall remain as standby counsel in this case.

IT IS FURTHER ORDERED that, within fifteen days of the date of this order, defendant shall identify the allegedly 173 rental units in Macon, Georgia, which he claims to own and which he claims are valued at \$2 billion. Defendant shall state the full details for his claim that he has an ownership interest in these rental units.

IT IS FURTHER ORDERED that, within fifteen days of the date of this order, defendant shall identify the residence in Ellenwood, Georgia, which he claims is valued at \$350,000 and give the full details concerning his ownership of said property.


United States Magistrate Judge

July 13, 2006